

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**April 29, 2002**

**DIVISION ONE**

B152142      RNC Capital Management      (Not for Publication)  
                 v.  
                 Oakwood Capital Management

The judgment is affirmed. Defendants are entitled to their costs of appeal.

Vogel (Miriam A.), J.

We concur:   Ortega, Acting P.J.  
                 Mallano, J.

B154835      Crown Management, Inc., et al.      (Not for Publication)  
                 v.  
                 Superior Court, Los Angeles County  
                 (Cheri Goldberg, r.p.i.)

April 29, 2002-Continued

DIVISION ONE (Continued)

B154878      Suzanna Farago,  
                         v.  
                         Superior Court, Los Angeles County  
                         (Cheri Goldberg, r.p.i.)

The petitions are granted, and a peremptory writ shall issue commanding the trial court (1) to vacate its orders denying the motions for summary judgment, (2) to enter new orders granting the motions, (3) to enter a judgment in favor of the defendants and against the plaintiffs, and (4) to make such other orders as may be necessary and appropriate. Crown Management, the Association, and Farago are entitled to their costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur:    Ortega, Acting P.J.  
                         Mallano, J.

115732-02

**The HONORABLE RICHARD EDWARD RICO**, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division One**, as a Justice thereof, on the following dates:

April 29, 2002                      To                      July 29, 2002

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: April 19, 2002

Ronald M. George  
Chief Justice of California and  
Chairperson of the Judicial Council

DIVISION TWO

Court convened at 9:00 AM

Present: Boren, P.J., Nott, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B150767 People v. Mosley  
B148891 Johnson v. Crawford  
B151634 People v. Embry  
B153067 People v. Portis

Argument waived, cause submitted.

B149060     People  
                 v.  
                 Gholar and Brown

Merits:

Argued by Sandra Uribe for appellant Gholar and by Alene M. Games for respondent. Waiver of oral argument by appellant Brown. Cause submitted.

B156504     Coast to Coast Glass Corporation  
                 v.  
                 SCLA  
                 Nesbitt (RPI)

Merits:

Argued by David Ozeran for petitioner and by Brian Unitt for real party in interest. Cause submitted.

B150991     Scottsdale Insurance Co.  
                 v.  
                 M.V. Transportation, Inc.

Merits:

Argued by Neil Selman for appellant and by Richard DeNatale for respondents. Cause submitted.

## DIVISION TWO (Continued)

B146637 Tulsa Steel Mfg. Co.  
v.  
South Coast Structural

Merits:

Argued by Donald Dunning for appellant and by Donna Kirkner for respondent. Cause submitted.

B150910      McMahon  
v.

Board of Trustees of El Camino Community College, et al.

Merits:

Argued by Brian McMahon for appellant and by Mary Dowell for respondents. Cause submitted.

Court adjourned.

B150076 People (Not for Publication)  
v.  
Rea

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Doi Todd, J.

## DIVISION TWO (Continued)

B153097 People (Not for Publication)  
v.  
Cisneros

The judgment is affirmed.

Boren, P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

B154249 People (Not for Publication)  
v.  
David L.

The order under review is affirmed.

Boren, P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

B151076      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Alicia I.,

The orders under review are affirmed.

Boren, P.J.

We concur:   Nott, J.  
Doi Todd, J.

DIVISION TWO (Continued)

B144698      Jimenez                      (Not for Publication)  
v.  
Santo Tomas Medical Clinic, et al.

The judgment is affirmed as to Dr. De La Rosa, but the judgment is reversed as to the clinic and Dr. Morales. The parties to bear their own costs on appeal.

Boren, P.J.

We concur:    Doi Todd, J.  
                    Ashmann-Gerst, J.

B148891      Johnson                              (Not for Publication)  
v.  
Crawford

The judgment is reversed, and the trial court is directed to reinstate the first amended complaint, except as to the causes of action against Delores Crawford for breach of contract and bad faith denial of a contract. Appellant is entitled to costs on appeal.

Boren, P.J.

We concur:    Nott, J.  
                    Ashmann-Gerst, J.

## DIVISION THREE

B150708 Bolivar, et al. (Not for Publication)

V.

Sartin Construction Trucking Corp., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Klein, P.J.

We concur:   Kitching, J.

Aldrich, J.

B150849 Roman (Not for Publication)

**v.**

# The Queen Mary

The purported appeal from the April 3, 2001 order denying Roman's motion for JNOV is dismissed. The April 3, 2001 order is affirmed insofar as it awarded the Queen Mary the sum of \$43,482.25 for attorney fees.

With respect to costs, the order is reversed in part; the costs award of \$16,679.16 is reduced by \$1,936.21. The matter is remanded to the trial court of determine the amount of attorney fees on appeal to which the Queen Mary is entitled as the prevailing party on appeal. The Queen Mary shall recover its cots on appeal.

Klein, P.J.

We concur: Croskey, J.

Kitching, J.

B149782 People (Not for Publication)

V.

Garcia

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.

Kitching, J.

DIVISION FOUR

B154837 People (Not for Publication)  
v.  
S.C.L.A.  
Moore

The alternative writ, having served its purpose, is discharged. Let a peremptory writ of mandate issue directing respondent trial court to vacate its order of November 13, 2001, finding the minor is fit to be dealt with under the juvenile court law, and to make a new and different order determining that the minor is not fit to be dealt with under the juvenile court law and transferring the pending juvenile petition to an adult criminal court of competent jurisdiction. The temporary stay of juvenile court proceedings issued on December 3, 2001, is vacated upon the finality of this opinion.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B151111 People (Not for Publication)  
v.  
Victorian

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.



## DIVISION FOUR (Continued)

B148622      In re Conservatorship of Helen M. Northup  
v.  
Choe et al.

Filed order denying petition for rehearing.

B148162      Mayer, Jr.      (Not for Publication)  
v.  
City of South Gate et al.

The judgment and fee award are affirmed

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B145716      Laporta et al.      (Not for Publication)  
v.  
Hidden Garden

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

April 29, 2002-Continued

## DIVISION FOUR (Continued)

B144460      Fisher      (Not for Publication)  
v.  
Burge

The judgment is reversed. Appellant(s) to recover costs.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B143921 People (Not for Publication)  
v.  
Perez

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

B145816 Hernandez et al. (Not for Publication)  
v.  
Gibson

The judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.  
Curry, J.

## DIVISION FOUR (Continued)

B151926      People      (Not for Publication)  
v.  
Pellegrin et al.

The judgment of conviction is reversed. The matter is remanded to the trial court with instructions to grant the motion to suppress.

Epstein, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

B152872      People      (Not for Publication)  
v.  
Jose P.

For the foregoing reasons, we reverse the finding that appellant violated Penal code section 148. In all other respects, we affirm the judgment based on the finding that appellant came within the provisions of Welfare and Institutions Code section 602 because he violated Los Angeles Municipal Code section 45.02 (possession of a fixed or locking blade knife having a blade more than two inches long).

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

## DIVISION FOUR (Continued)

B147844      Wheat      (Not for Publication)  
v.  
Blue Cross of California

The order is affirmed

Curry, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

DIVISION FIVE

B146350      B.W. Industries, Inc.      (Not for Publication)  
v.  
Transportation Insurance Co.

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

I concur: Armstrong, J.  
I dissent: Mosk, J. (Opinion)

DIVISION FIVE

B152125      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Demetrius S.,  
In re ASIA S.

The findings as to the section 387 petition are reversed and the section 387 petition is dismissed. The order placing Asia in the home of mother is affirmed.

Grignon, J.

I concur:      Turner, P.J.  
I dissent:      Mosk, J. (Opinion)

B155826      Monica M.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, R.P.I.)

The petition for extraordinary writ is denied. Pursuant to California Rules of Court, rule 24(d), this opinion is made final forthwith.

Turner, P.J.

We concur:      Armstrong, J.  
Mosk, J.

DIVISION SEVEN

B157239      Nelson  
v.  
City of Pasadena

Filed order consolidating above captioned appeals.

DIVISION EIGHT

B148289      Iberti,  
v.  
Brown

(Not for Publication)

The trial court's order granting in part and denying in part Brown's anti-SLAPP motion is affirmed. The trial court's denial of attorney's fees is reversed. Upon appropriate motion and factual showing, Brown may recover attorney's fees and costs incurred in bringing his anti-SLAPP motion for those causes of action properly subject to section 425.16. The trial court shall determine the amount. The case is remanded to the trial court. The parties are to bear their own costs on appeal.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.

B145279      Redondo Shores Center, Inc.,  
v.  
Poorman et al.

(Not for Publication)

The judgment is reversed with respect to the awards of compensatory and punitive damages on the third cause of action, for fraud, with directions to enter judgment for defendants on that cause of action. In all other respects, the judgment is affirmed. Defendants shall recover costs on appeal.

Cooper, P.J.

We concur: Rubin, J.  
Boland, J.